

U.S. Department of Labor

Office of Administrative Law Judges
525 Vine Street - Suite 900
Cincinnati, Ohio 45202

(513) 684-3252
(513) 684-6108 (FAX)



In the Matter of

ELIZABETH DOLE, Secretary of Labor,
United States Department of Labor,

Plaintiff

Date Issued: NOV 14, 1990

Case No. 90-CLA-5

versus

HARDEE'S FOOD SYSTEMS, INC.,
d/b/a HARDEE'S OF CARMEL, INDIANA

Respondent

DECISION AND ORDER

This proceeding is before the undersigned Administrative Law Judge pursuant to § 16(e) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 216(e), hereinafter referred to as the Act, and Part 579 of the Regulations (29 C.F.R. Part 579) for hearing and final determination of the issues timely raised by Respondent's exception to the Notice of Civil Money Penalty assessed against it by the authorized representative of the Secretary of Labor. Said penalties, in the total amount of \$2,400.00, were assessed following an investigation and inspection of Respondent's place of business by the Wage-Hour Division, Employment Standards Administration, United States Department of Labor, which investigation and inspection disclosed employment of minors in violation of § 12 of the Act and the regulations issued thereunder.

By agreement of the parties, consent findings have been entered into and set forth in a document entitled "Consent Findings" fully executed by the parties, a copy of which is attached hereto and made a part hereof.

Upon further consideration of the violations listed in the Notice sent to Respondent of the employment of minors contrary to the Fair Labor Standards Act, Respondent has withdrawn its exception to the assessment of the civil money penalties; has agreed to pay the civil money penalties in the total amount of \$1,600.00 within thirty days of the entry of this Decision and Order; has agreed that the entire record upon which any final order may be based shall-, pursuant to 29 C.F.R. § 580.18(b)(2), consist of the Notice of Penalty as modified by the agreement of the parties in their "Consent Findings," and the "Consent Findings;" and has waived all further procedural rights provided in 29 C.F.R. §§ 580.18(b)(3) and (4).

Wherefore, upon consideration of the record in its entirety. I hereby find that the assessment of the penalty contained in the Notice of Penalty and the Consent Findings is the Final Order of the Secretary of Labor.

Dated and signed this 14th day of November, 1990.

RUDOLF L. JANSEN
Administrative Law Judge